

Notice of Allowability

Application No.

10/624,946

Applicant(s)

RAYMOND ET AL.

Examiner

Barbara P. Badio, Ph.D.

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-4, 6-10, 20-33, 35-38, 41-46 and 53-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
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| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet.</u> |

Continuation of Attachment(s) 9. Other: The drawings filed July 21, 2003 are accepted by the Examiner.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The specification has been amended as follows:

Page 1, lines 2-6 has been rewritten as follows: --

This application is a continuation of U.S. Patent Application No. 09/845,775, filed April 30, 2001, now U.S. Patent No. 6,635,629; which application claims the benefit of U.S. Provisional Patent Application No. 60/200,617 filed March 28, 2000, where these applications are incorporated herein by reference in their entireties.

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The Abstract has been amended as follows: See attached sheet.

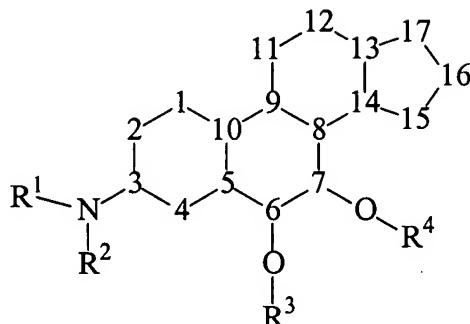
Authorization for this examiner's amendment was given in a telephone interview with Ms. Carol Roth on March 21, 2006.

The application has been amended as follows:

Claim 1 has been rewritten as follows: --

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1. A compound of the formula



and pharmaceutically acceptable salts, solvates, and stereoisomers thereof, in isolation or in mixture, where independently at each occurrence:

R^1 and R^2 are selected from hydrogen, oxygen so as to form nitro or oxime, amino, sulfur so as to form $-SO_3-R$ or $-SO_2-R$ wherein R is selected from H and organic groups having 1-30 carbons optionally containing 1-6 heteroatoms selected from nitrogen, oxygen, phosphorous, silicon and sulfur, and organic groups having 1-30 carbons optionally containing 1-6 heteroatoms selected from nitrogen, oxygen, phosphorous, silicon, and sulfur;

R^3 and R^4 are selected from direct bonds to the carbon at numeral 6 and the carbon at numeral 7 respectively so as to form carbonyl groups, hydrogen, or a protecting group such that R^3 and/or R^4 is part of hydroxyl or carbonyl protecting group;

numerals 1 through 17 each represent a carbon;

the carbons at numerals 1, 2, 4, 11, 12, 15, and 16 are each independently substituted with

- (a) one of: $=O$, $=C(R^5)(R^5)$, $=C=C(R^5)(R^5)$, $-C(R^5)(R^5)(C(R^5)(R^5))_n-$ and $-(O(C(R^5)(R^5)))_nO-$ wherein n ranges from 1 to about 6; or

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(b) two of the following, which are independently selected: -X, -N(R¹)(R²), -R⁵ and -OR⁶; the carbons at numerals 5, 8, 9, 10, 13 and 14 are each independently substituted with one of -X, -R⁵, -N(R¹)(R²) or -OR⁶;

the carbon at numeral 17 is substituted with -C(R⁵)(R⁵)(C(R⁵)(R⁵))_n- or -(O(C(R⁵)(R⁵))_nO)- wherein n ranges from 1 to about 6;

in addition to the -OR³ and -OR⁴ groups as shown, each of the carbons at numerals 6 and 7 are independently substituted with one of -X, -N(R¹)(R²), -R⁵ or -OR⁶;

each of rings A, B, C and D is independently fully saturated, partially saturated or fully unsaturated;

R⁵ at each occurrence is independently selected from H, X, and C₁₋₃₀ organic moiety optionally containing at least one heteroatom selected from the group consisting of boron, halogen, nitrogen, oxygen, silicon and sulfur; where two geminal R⁵ groups may together form a ring with the carbon atom to which they are both bonded;

R⁶ is H or a protecting group such that -OR⁶ is a protected hydroxyl group, where vicinal -OR⁶ groups may together form a cyclic structure that protects vicinal hydroxyl groups, and where geminal -OR⁶ groups may together form a cyclic structure that protects a carbonyl group; and

X represents fluoride, chloride, bromide and iodide.

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Claim 2 has been rewritten as follows: --

2. A compound of claim 1 wherein:

the carbon at numeral 17 is substituted with $-C(R^5)(R^5)(C(R^5)(R^5))_n-$

wherein n ranges from 1 to about 6;

where R^5 at each occurrence is independently selected from H, X, and C_{1-30}

organic moiety that may optionally contain at least one heteroatom selected from the group consisting of boron, halogen, nitrogen, silicon and sulfur; where two geminal R^5 groups may together form a ring with the carbon atom to which they are both bonded.

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Telephone Inquiry

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara P. Badio, Ph.D. whose telephone number is 571-272-0609. The examiner can normally be reached on M-F from 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Barbara P. Badio, Ph.D.
Primary Examiner
Art Unit 1617

BB

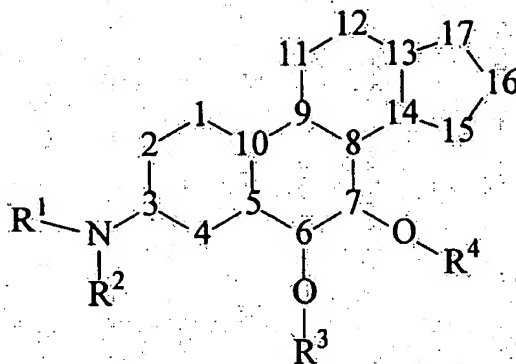
March 21, 2006

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ABSTRACT

A compound of the formula:



and pharmaceutically acceptable salts, solvates, stereoisomers and prodrugs thereof, in isolation or in mixture, wherein R groups are as defined by the present specification.

The compounds may be formulated into pharmaceutical compositions, and used in the treatment and/or prevention of various conditions, including inflammation, asthma, an allergic disease, chronic obstructive pulmonary disease, atopic dermatitis, solid tumors, AIDS, ischemia, and cardiac arrhythmias.

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